

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ANDREW SCOTT	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.
	)	
	)	
GC SERVICES LIMITED PARTNERSHIP	)	
	)	
Defendant,	)	

**VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL**

ANDREW SCOTT, ("Plaintiff"), through the undersigned counsel, Daniel P. Harstein alleges the following against GC SERVICES LIMITED PARTNERSHIP, ("Defendant"):

**INTRODUCTION**

1. This is an action for actual and statutory damages brought by plaintiff Andrew Scott, an individual consumer, against defendant GC Services Limited Partnership for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the defendant transacts business here and the conduct complained of occurred here.

**PARTIES**

3. Plaintiff, Andrew Scott is a natural person residing in the state of Pennsylvania.

4. Defendant, GC Services Limited Partnership is a corporation engaged in the business of collecting debt in this state with its principal place of business located at 6330 Gulfton, Houston, Texas 77081. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

#### FACTUAL ALLEGATIONS

6. Upon information and belief, Defendant began placing collection calls to Plaintiff in December of 2010.

7. Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

8. During collection calls, Defendant has lied to, or at the very least misled Plaintiff, through false and misleading statements, threatening to sue Plaintiff, stating, “We will sue you if you cannot make the terms of our payment agreement,” when it does not have the legal standing to sue Plaintiff

9. To date, Defendant has not taken any action to commence litigation against Plaintiff.

10. During a collection call in January of 2011, Defendant lied to, or at the very least misled Plaintiff, through false and misleading statements, giving the strong implication that Plaintiff could commit a felony if Plaintiff did not cede to Defendant’s wishes, stating, “This check will be cashed in Texas, so if the funds are not in your checking account you will be crossing state lines, and that’s a felony.”

11. Upon information and belief, Defendant called Plaintiff on February 17, 2011, after already having been informed that Plaintiff had legal representation and that it should cease and desist all communication with him.

12. During a collection call in February 17, 2011, Defendant lied to Plaintiff, through false and misleading statements, saying that Plaintiff had committed a felony by writing a bad check for over \$200.00 in Pennsylvania, and that Plaintiff was going to be prosecuted for it.

13. During collection calls, Defendant has utilized unfair and unconscionable means to try to collect a payment amount on Plaintiff's alleged debt, by lying to Plaintiff.

14. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in him feeling stressed.

#### CLAIM FOR RELIEF

15. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

16. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

- (a) Defendant violated §1692e(10) of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's alleged debt; and
- (b) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and
- (c) Defendant violated §1692e(5) of the FDCPA by threatening to take action that it did not intend to take; and
- (d) Defendant violated §1692e(7) of the FDCPA by giving the false representation or implication that Plaintiff committed a crime or other conduct in order to disgrace Plaintiff; and

(e) Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff after Defendant knows that Plaintiff is represented by an attorney with regard to the alleged debt and has knowledge of, or can readily ascertain, such attorney's name and address, and the attorney has not consented to communication with Plaintiff.

17. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

18. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Andrew Scott for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff ANDREW SCOTT, respectfully requests that judgment be entered against defendant GC SERVICES LIMITED PARTNERSHIP for the following:

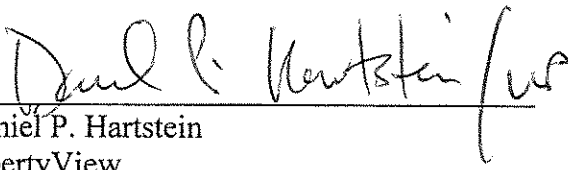
- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff ANDREW SCOTT demands trial by jury in this action.

[SIGNATURE AFFIXED ON NEXT PAGE]

This 10<sup>th</sup> day of June, 2011.

  
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